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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/996,027	11/15/2001	Gary A. Zarlengo	13460.127	2041
24283	7590	01/25/2005	EXAMINER	
PATTON BOGGS 1660 LINCOLN ST SUITE 2050 DENVER, CO 80264			PHAM, TUAN	
			ART UNIT	PAPER NUMBER
			2643	

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/996,027	Applicant(s) ZARLENGO ET AL.	
	Examiner TUAN A PHAM	Art Unit 2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-7, and 10-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Monroe (U.S. Patent No.: 6,545,601).

Regarding claims 1 and 10, Monroe teaches a mobile wireless LAN system and method for automating transportation fleet operations, mounted on a transportation vehicle, comprising (see figure 7, col.2, ln.45-55): a plurality of wireless nodes (see figure 7, plurality of sensors 19a-19n, col.16, ln.25-32); a wireless LAN located on said transportation vehicle for exchanging communications among said plurality of wireless nodes (see figure 9, col.19, ln.31-35); and wherein said plurality of wireless nodes

includes a plurality of wireless sensors for detecting a plurality of functions associated with at least one of: said transportation vehicle and a cargo transported by said transportation vehicle and for generating wireless sensor data representative of said detected plurality of functions associated with at least one of: said transportation vehicle and a cargo transported by said transportation vehicle (see figure 9, plurality of sensors 19a-19n, col.10, ln.35-67, col.21-56).

Regarding claims 2 and 11, Monroe further teach the mobile wireless LAN system and method further comprising: a hub connected to and serving said wireless LAN for managing the exchange of said data, including said wireless sensor data, among said plurality of wireless nodes and said hub (see figure 6, router 228, col.18, ln.4-15).

Regarding claims 3 and 12, Monroe further teach the mobile wireless LAN system and method further comprising: a wireless transceiver connected to said wireless LAN for exchanging data, including said wireless sensor data, with a wireless transceiver at a fixed location removed from said transportation vehicle (see figure 6, fixed wireless transceiver 212, col.17, ln.15-37).

Regarding claims 4 and 13, Monroe further teach the mobile wireless LAN system and method further comprising: at least one fixed LAN, including a wireless transceiver, at a fixed location for receiving said transmitted wireless sensor data from said wireless transceiver located on said transportation vehicle (see figure 6, fixed wireless transceiver 212, col.17, ln.15-37, col.18, ln.4-26).

Regarding claims 5 and 14, Monroe further teach the mobile wireless LAN system and method further comprising: a GPS receiver located on said transportation vehicle for receiving GPS position and time signals; and a long-range signal transmission system located on said transportation vehicle coupled to said GPS receiver and to said wireless LAN for exchanging data, including said GPS signals and said wireless LAN sensor data, with said at least one fixed LAN at said fixed location (see figure 4a, 4b, col.13, ln.55-67, col.14, ln.1-8, figure 6, GPS 200, 202, col.18, ln.27-45).

Regarding claims 6 and 15, Monroe further teach the mobile wireless LAN system and method further comprising: at least one display unit (i.e., computer) coupled to said wireless LAN for displaying said wireless sensor data (see col.18, ln.45-64).

Regarding claims 7 and 16, Monroe further teach the mobile wireless LAN system and method further comprising: wherein said plurality of wireless sensors on said transportation vehicle comprise at least one of the class of environmental sensors comprising: a wireless sensor for measuring tire pressure and temperature; a wireless sensor for measuring cargo temperature; a wireless sensor for detecting when vehicle cargo doors are opened/closed; at least one wireless sensor for measuring engine component functions; a wireless sensor coupled to a refrigeration unit mounted on said transport vehicle for transmitting refrigerator function data to said wireless LAN for transmission (see col.10, ln.45-60, it is inherently that the sensor can monitor temperature or detect fire or smoke).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Monroe (U.S. Patent No.: 6,545,601) in view of Bjorklund et al. (U.S. Patent No.: 6,336,126, hereinafter, "Bjorklund").

Regarding claims 8 and 17, Monroe teaches a mobile wireless LAN system and method for automating transportation fleet operations, mounted on a transportation vehicle, comprising (see figure 7, col.2, ln.45-55): a plurality of wireless nodes (see figure 7, plurality of sensors 19a-19n, col.16, ln.25-32); a wireless LAN located on said transportation vehicle for exchanging communications among said plurality of wireless nodes (see figure 9, col.19, ln.31-35); and wherein said plurality of wireless nodes

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includes a plurality of wireless sensors for detecting a plurality of functions associated with at least one of: said transportation vehicle and a cargo transported by said transportation vehicle and for generating wireless sensor data representative of said detected plurality of functions associated with at least one of: said transportation vehicle and a cargo transported by said transportation vehicle (see figure 9, plurality of sensors 19a-19n, col.10, ln.35-67, col.21-56), and at least one data reader from the class of fixed location data readers comprising: at least one fixed gateway data reader at locations including at least one of: entry stations, gates, guard shacks, and loading docks for receiving transmissions from said wireless LAN on said transportation vehicle (see col.18, ln.4-26).

It should be noticed that Monroe fails to clearly teach hand-held bar-code reader to be used by either the driver or personnel at said fixed location to scan individual bar-coded cargo items for purposes of tracking cargo at least one RFID reader as an automatic-data-capture device for tracking cargo, personnel, and managing cargo. However, Bjorklund teaches such features (see figure 3, barcode or RFID 113, col.6, ln.52-54) for a purpose of scanning the bar code.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of hand-held bar-code reader to be used by either the driver or personnel at said fixed location to scan individual bar-coded cargo items for purposes of tracking cargo at least one RFID reader as an automatic-data-capture device for tracking cargo, personnel, and managing cargo, as taught by

Bjorklund, into view of Monroe in order to save time for tracking the product or packages.

5. Claims 9 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Monroe (U.S. Patent No.: 6,545,601) in view of Pedroso et al. (U.S. Patent No.: 6,351,977, hereinafter, "Pedroso").

Regarding claims 9 and 18, Monroe teaches a mobile wireless LAN system and method for automating transportation fleet operations, mounted on a transportation vehicle, comprising (see figure 7, col.2, ln.45-55): a plurality of wireless nodes (see figure 7, plurality of sensors 19a-19n, col.16, ln.25-32); a wireless LAN located on said transportation vehicle for exchanging communications among said plurality of wireless nodes (see figure 9, col.19, ln.31-35); and wherein said plurality of wireless nodes includes a plurality of wireless sensors for detecting a plurality of functions associated with at least one of: said transportation vehicle and a cargo transported by said transportation vehicle and for generating wireless sensor data representative of said detected plurality of functions associated with at least one of: said transportation vehicle and a cargo transported by said transportation vehicle (see figure 9, plurality of sensors 19a-19n, col.10, ln.35-67, col.21-56).

It should be noticed that Monroe fails to clearly teach electronic door locks on said transportation vehicle doors; and a telemetry tag adapted to control said door locks to both enable and disable said door locks from said fixed location remote from said

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transportation vehicle. However, Pedroso teaches such features (see 3, col.6, ln.51-67) for a purpose of remotely controlling the door lock or unlock.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of electronic door locks on said transportation vehicle doors; and a telemetry tag adapted to control said door locks to both enable and disable said door locks from said fixed location remote from said transportation vehicle, as taught by Pedroso, into view of Monroe in order to remotely control the door lock or unlock.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In order to expedite the prosecution of this application, the applicants are also requested to consider the following references. Although Welles, II et al. (U.S. Patent No. 5,691,980), Hullinger (U.S. Patent No. 6,430,485), Christ (U.S. Patent No. 5,977,913), and Haber (U.S. Patent No. 6,487,426) are not applied into this Office Action; they are also called to Applicants attention. They may be used in future Office Action(s). These references are also concerned for supporting the system and method for tracking and locating personnel.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Tuan A. Pham** whose telephone number is (703) 305-4987. The examiner can normally be reached on Monday through Friday, 8:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz can be reached on (703) 305-4708 and

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Art Unit 2643
January 17, 2005
Examiner

Tuan Pham



HUYEN LE
PRIMARY EXAMINER